
**CHILD SUPPORT PROGRAM
COMPLIANCE WITH STATE PLAN**

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**CHAPTER 12-900 COMPLIANCE WITH STATE PLAN FOR DETERMINING
PATERNITY, SECURING CHILD SUPPORT, AND ENFORCING SPOUSAL
SUPPORT ORDERS**

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**CHAPTER 12-900 COMPLIANCE WITH STATE PLAN FOR DETERMINING
PATERNITY, SECURING CHILD SUPPORT, AND ENFORCING
SPOUSAL SUPPORT ORDERS**

12-901 SCOPE 12-901

This chapter governs the procedure that shall be followed when the Director determines pursuant to Welfare and Institutions Code Section 11475.2 that a public agency, as defined in Section 12-902, is failing to comply with the provisions of the State Plan relating to determining paternity, securing child support, and enforcing existing spousal support orders when enforced in conjunction with a child support obligation. All compliance matters relating to determining paternity, child support, and enforcing spousal support orders shall be subject to the provisions of this chapter rather than the provisions of Chapter 12-800.

12-902 DEFINITION 12-902

A public agency for the purposes of this chapter is the county district attorney who is required by law, by delegation of the Department, or by cooperative agreement to perform functions relating to the State Plan for determining paternity, securing child support and enforcing spousal support orders when enforced in conjunction with the child support obligation.

12-903 VOLUNTARY CORRECTIVE PROCEDURES 12-903

When the Director becomes aware of a potential compliance problem under the State Plan for determining paternity, securing child support, and enforcing spousal support, the Director shall initially proceed as follows:

- .1 Where the potential for a compliance problem may exist in a county welfare department, the Director shall contact the county director regarding the potential problem to determine the extent of the problem and what steps the county is taking to avoid or correct it. If there is reasonable cause to believe that a potential compliance problem may exist, the Director shall assign Department staff to work with the county director to achieve a voluntary correction of the potential problem.
- .11 If the potential compliance problem relates to county functions carried out under a plan of cooperation with the county district attorney's office, the Director shall also contact the district attorney and request his/her assistance in correcting the problem.

12-903	VOLUNTARY CORRECTIVE PROCEDURES (Continued)	12-903
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- .2 Where the potential for a compliance problem may exist in regard to State Plan functions carried out by a district attorney's office pursuant to a plan of cooperation, the Director may contact the district attorney to determine the extent of the problem, if any. If there is reasonable cause to believe that a potential compliance problem may exist, the Director shall contact the Attorney General's Office in working with the district attorney to achieve a voluntary correction of the potential compliance problem.

12-904	NOTICE OF INTENT TO ENFORCE COMPLIANCE	12-904
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- .1 If the procedures described in Section 12-903 do not result in a voluntary correction of a compliance problem and the Director thereafter finds that the public agency is failing in a substantial manner to comply with any provision of the State Plan for determining paternity, securing child support, and enforcing spousal support, and that sanctions are necessary to secure compliance, the Director shall put such agency on written notice to that effect.
- .2 The notice shall contain:
- .21 A reference to each provision of the State Plan with which the Director considers the public agency to be failing to comply;
 - .22 A brief explanation of the Director's reasons for believing that such noncompliance exists;
 - .23 A statement regarding which of the sanctions provided in Section 12-906 the Director intends to invoke; and
 - .24 The date for which the compliance conference provided for in Section 12-905 is scheduled.
- .3 The notice shall be sent to the public agency at least 30 days before the date of the compliance conference.
- .31 When the notice of intent to enforce compliance is sent to a county welfare department, copies of the notice shall be sent to the county district attorney and the county board of supervisors.
 - .32 When the notice of intent to enforce compliance is sent to a district attorney, copies of the notice shall be sent to the Attorney General, the county welfare department and the county board of supervisors.

12-905	COMPLIANCE CONFERENCE	12-905
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- .1 Any of the persons or agencies who received a copy of the notice of intent to enforce compliance pursuant to Section 12-904.3 may attend the compliance conference.
 - .11 If the compliance conference involves State Plan functions carried out by a district attorney, the Director shall request the Office of the Attorney General to send a representative to the compliance conference.
 - .12 If a district attorney who wishes to attend the compliance conference pursuant to the provisions of Section 12-905.1 requests that a representative from the Office of the Attorney General be present, the Director shall request the Office of the Attorney General to send a representative to the conference.
- .2 At the compliance conference, the public agency may:
 - .21 Present evidence of full compliance; or
 - .22 Present a plan for achieving compliance in an expeditious manner.
- .3 If, at the compliance conference, the public agency makes a showing to the Director of full compliance or sets forth a compliance plan which the Director finds to be satisfactory, the Director shall rescind the notice of intent to enforce compliance.
- .4 If, at the compliance conference, the public agency fails to establish that it is in compliance, or fails to present a satisfactory plan for noncompliance, the Director may proceed to invoke the proposed sanction(s) after notifying the public agency of his/her decision pursuant to Section 12-905.5.
- .5 The Director shall notify the public agency of his/her decision within ten days of the conference.
 - .51 If the public agency is a district attorney's office, the Director shall consult with the Office of the Attorney General before making his/her final decision.
- .6 If the public agency chooses not to attend the scheduled compliance conference, the Director may proceed to invoke the proposed sanction(s) after the date of the compliance conference has passed.

12-906	SANCTIONS	12-906
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The Director may, at any time after giving the public agency notice in accordance with Section 12-904 and subject to the provisions of Section 12-905, invoke either or both of the following sanctions:

- .1 The Director may withhold part or all of state and federal funds, including incentive funds, from the public agency until the public agency makes a showing to the Director of full compliance; or
- .2 The Director may notify the Attorney General that there has been a failure to comply with the State Plan. The Attorney General shall then take appropriate action to secure compliance.
- .21 The Director shall, upon request, cooperate with the Attorney General in developing and carrying out any compliance action which the Attorney General deems appropriate to compel compliance.

12-907	COMPLIANCE WITH MERIT SYSTEM REQUIREMENTS	12-907
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- .1 If the State Personnel Board certifies to the Director that a public agency which is subject to merit system standards is not in conformity with applicable merit system standards under Part 2.5 (commencing with Section 19800) of Division 5 of Title 2 of the Government Code, the notice and conference provisions of this chapter shall not apply.
- .2 Upon receipt of a certification from the State Personnel Board, the Director may immediately proceed to invoke either or both of the sanctions provided in Section 12-906.

12-908	RESPONSIBILITY FOR FUNDING	12-908
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Nothing in this chapter shall be construed as relieving the board of supervisors of the responsibility to provide funds necessary for the continued operation of the State Plan as required by law.

**CHILD SUPPORT PROGRAM
TITLE IV-D COMPLAINT RESOLUTION PROCEDURES**

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CHAPTER 12-1000 TITLE IV-D COMPLAINT RESOLUTION PROCEDURES

12-1001 DEFINITIONS

12-1001

- .1 Definitions of terms used in these regulations, which are common to the Child Support Enforcement Program, are found at Sections 12-101, 12-301, 12-601, and 12-701.
- .2 When used as a term specific to these regulations:
 - a. Reserved
 - b. Reserved
 - c. (1) Complaint Coordinator -- means the individual(s) at a county Title IV-D office designated by the district attorney to be responsible for administering the Title IV-D Complaint Resolution Procedures.
 - d. Reserved
 - e. Reserved
 - f. Reserved
 - g. Reserved
 - h. Reserved
 - i. Reserved
 - j. Reserved
 - k. Reserved
 - l. Reserved
 - m. Reserved
 - n. Reserved
 - o. Reserved

12-1001	DEFINITIONS (Continued)	12-1001
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- p. Reserved
- q. Reserved
- r. Reserved
- s. Reserved
- t. Reserved
- u. Reserved
- v. Reserved
- w. Reserved
- x. Reserved
- y. Reserved
- z. Reserved

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11475 and 11479.5, Welfare and Institutions Code; Barnes v. Anderson et al., Permanent Injunction and Judgment, NO. CIV S-90-0579, filed April 14, 1995 (United States District Court for the Eastern District of California) and Barnes v. Anderson et al., Memorandum and Order, NO. CIV S-90-0579, filed October 27, 1994 (United States District Court for the Eastern District of California).

12-1005	FORMS DEFINITIONS	12-1005
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.1 Following are required forms and notices to be used in the administration of the Title IV-D Complaint Resolution Procedures:

- (a) CS 896 (11/95) - State Level Appeal Form used by a custodial party to request a state level review of a district attorney's Response to Complaint (CS 900) or Final Decision (CS 902).
- (b) CS 897 (5/94) - Informing Notice issued by the Department to a custodial party acknowledging that his or her appeal of a district attorney's determination was received. The notice will include information about the action that will be taken on the custodial party's request for a state level review.

12-1005 FORMS DEFINITIONS
(Continued)

12-1005

- (c) CS 898 (5/94) - Final Decision issued by the Department regarding an appeal of a district attorney's Response to Complaint (CS 900) or Final Decision (CS 902).
- (d) CS 899 (7/94) - Informing Notice issued by a district attorney to a custodial party acknowledging receipt of a formal complaint. The notice shall include a date by which the custodial party can expect to receive a written response to the formal complaint.
- (e) CS 900 (11/95) - Response to Complaint issued by a district attorney to a custodial party. This is the initial determination issued during the formal complaint process (see CS 902).
- The reverse side of the CS 900 is the County FSD Back. The County FSD Back is identical to the State Level Appeal Form (CS 896) and may be used by the custodial party to appeal to the Department for a state level review of a district attorney's Response to Complaint.
- (f) CS 901 (7/94) - Child Support Complaint Form used by a custodial party to file a formal complaint with a district attorney about the receipt or distribution of a support payment(s).
- (g) CS 902 (11/95) - Final Decision issued by a district attorney to a custodial party following a district attorney's redetermination of the Response to Complaint (CS 900).
- The reverse side of the CS 902 is the County FSD Back. The County FSD Back is identical to the State Level Appeal Form (CS 896) and may be used by the custodial party to appeal to the Department for a state level review of a district attorney's Final Decision.
- (h) CS 903 (7/94) - Informing Notice issued by a district attorney advising a custodial party that a formal complaint was received, and includes a date by which the custodial party shall receive a Response to Complaint (CS 900). This notice can also be used to inform the custodial party that the formal complaint was forwarded to another county Title IV-D office.

12-1005	FORMS DEFINITIONS
	(Continued)

12-1005

- (i) CS 904 (11/95) - Informing Notice issued by a district attorney advising a custodial party of any of the following circumstances: 1) the formal complaint is not about the receipt or distribution of a support payment; 2) the formal complaint is not about a child support issue; 3) the formal complaint is about an issue that may be under the jurisdiction of the state administrative hearing process; 4) the formal complaint is the same complaint previously submitted and the district attorney is still reviewing the original formal complaint; or 5) the formal complaint is the same complaint previously submitted and a final written decision was provided to the custodial party.

The reverse side of the CS 904 is the County FSD Back. The County FSD Back is identical to the State Level Appeal Form (CS 896) and may be used by the custodial party to appeal to the Department for a state level review of a district attorney's determination.

- (j) CS 905 (7/94) - Informing Notice issued by a district attorney to a custodial party when an incomplete Child Support Complaint Form (CS 901) is received, or the district attorney cannot understand the essence of the complaint.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11475 and 11479.5, Welfare and Institutions Code; Barnes v. Anderson et al., Permanent Injunction and Judgment, NO. CIV S-90-0579, filed April 14, 1995 (United States District Court for the Eastern District of California) and Barnes v. Anderson et al., Memorandum and Order, NO. CIV S-90-0579, filed October 27, 1994 (United States District Court for the Eastern District of California).

12-1010	GENERAL REQUIREMENTS
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12-1010

- .1 Any custodial party of a child for whom a district attorney is collecting or has collected support may file a complaint.
- .2 The complaint must be about the receipt or distribution of a support payment(s).
- .21 If a complaint is about an issue other than the receipt or distribution of a support payment(s), the complaint shall be processed in accordance with the district attorney's normal complaint processing procedures.
- .3 Each district attorney has the option of making an informal complaint process available.

12-1010	GENERAL REQUIREMENTS	12-1010
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(Continued)

- .31 If an informal complaint process is available for resolving concerns about the receipt or distribution of a support payment(s), it shall be available to all custodial parties in the county who receive, or have received Title IV-D services.
- .4 Each district attorney shall adopt the formal complaint process and develop a system with at least one designated complaint coordinator and sufficient staff to resolve all formal complaints within time frames mandated by this chapter.
 - .41 The name, address, and phone number of the complaint coordinator(s) shall be provided to the Department.
- .5 District attorneys shall use required forms and notices developed by the Department for the administration of the formal complaint process (see Section 12-1005 et seq.).

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11475 and 11479.5, Welfare and Institutions Code; Barnes v. Anderson et al., Permanent Injunction and Judgment, NO. CIV S-90-0579, filed April 14, 1995 (United States District Court for the Eastern District of California); Barnes v. Anderson et al., Memorandum and Order, NO. CIV S-90-0579, filed October 27, 1994 (United States District Court for the Eastern District of California), and 45 Code of Federal Regulations Section 74.53(b).

12-1015	INFORMAL COMPLAINTS	12-1015
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- .1 If an informal complaint process is available, a custodial party may file an informal complaint orally or in writing.
- .2 At the outset of the informal process the custodial party shall be informed orally or in writing of the following:
 - .21 The custodial party does not have to go through the informal review process.
 - .22 The custodial party may file a formal complaint during or following the completion of the informal process.
 - .23 The formal complaint process begins when the custodial party submits a Child Support Complaint Form (CS 901).
 - .24 A Child Support Complaint Form (CS 901) shall be provided upon request with instructions on how to file a formal complaint.

12-1015	INFORMAL COMPLAINTS	12-1015
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(Continued)

- .25 Time spent in the informal process is not applied to the 60-day timely filed formal complaint requirements (see Section 12-1020.132).
- .3 The district attorney shall review the complaint and other documents or information needed to make an informed decision.

 - .31 If additional information is needed from the custodial party, the custodial party shall be given an opportunity to provide that information.
 - .32 If additional information or records from another entity are needed to make an accurate decision, the case manager shall request the information or records, or subpoena them if necessary and possible.
- .4 The district attorney shall inform the custodial party, orally or in writing, of the results of the review.

 - .41 If it is determined that the custodial party is due a corrective payment(s), the payment(s) shall be issued within 15 days from the date the custodial party was informed of the decision.
- .5 The district attorney shall document all of the following in the custodial party's case file or record:

 - .51 The decision and supporting information.
 - .52 The date the informal complaint was filed.
 - .53 The date the oral or written determination was provided to the custodial party.
 - .54 The date a payment(s) was issued to the custodial party.
 - .55 The dates and nature of all oral or written contacts with the custodial party.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11475 and 11479.5, Welfare and Institutions Code; Barnes v. Anderson et al., Permanent Injunction and Judgment, NO. CIV S-90-0579, filed April 14, 1995 (United States District Court for the Eastern District of California) and Barnes v. Anderson et al., Memorandum and Order, NO. CIV S-90-0579, filed October 27, 1994 (United States District Court for the Eastern District of California).

12-1020 FORMAL COMPLAINTS**12-1020**

- .1** Formal complaints must be submitted in writing on a Child Support Complaint Form (CS 901).
 - .11** Upon request, the Child Support Complaint Form (CS 901) shall be provided promptly to a custodial party.
 - .12** Written complaints that are not submitted on the Child Support Complaint Form (CS 901) shall be deemed to be informal requests for a review and processed in accordance with Section 12-1015.
 - .13** Formal complaints shall be date stamped by the receiving district attorney's office to identify date of receipt.
 - .131** The date of receipt of a formal complaint shall be the filing date.
 - .132** Except as provided at Sections 12-1020.16 and 12-1020.263, a timely filed complaint is one that conforms to either of the following criterion:
 - (a)** A formal complaint filed within 60 days of the date the custodial party first learned of the problem.
 - (b)** A formal complaint filed within 60 days of receipt of the Statement of Collections and Distribution that contains the information with which the custodial party disagrees.
 - .14** The district attorney shall screen each formal complaint for compliance with formal complaint filing requirements, and coordinate and track the processing of formal complaints.
 - .15** An Informing Notice (CS 905) shall be issued to a custodial party if a formal complaint is incomplete, or the complaint coordinator does not understand the essence of the complaint.
 - .151** The Informing Notice (CS 905) shall advise the custodial party what he/she must do to complete or clarify the formal complaint, and that the time frame for resolution of the formal complaint begins on the date the district attorney receives the information necessary to complete or clarify the complaint.
 - .152** A timely filed complaint that is incomplete or unclear shall be deemed to have been filed timely, but the 60-day resolution time frame commences from the date the completed or clarified formal complaint is received.

12-1020 FORMAL COMPLAINTS
(Continued)

12-1020

- .16 If a custodial party inappropriately files a request for a state administrative hearing on a receipt or distribution issue that is determined to be unhearable, and later files a formal complaint with a district attorney, the date of the request for the state administrative hearing, if available, shall be used to determine whether the formal complaint is filed timely.
- .161 If the date of the request for a state administrative hearing cannot be verified, the date of receipt of the formal complaint by the district attorney shall determine whether the complaint was filed timely.
- .2 The district attorney shall review the formal complaint and gather all necessary records and information.
- .21 Regardless of whether a formal complaint is filed timely, if a Response to Complaint (CS 900) cannot be issued within 30 days of the district attorney's receipt of the complaint, the custodial party shall be provided with an Informing Notice (CS 899) that includes the following information:
 - .211 Verification that the formal complaint was received by the district attorney.
 - .212 The IV-D case number, and the name, address, and phone number of the complaint coordinator assigned to the case.
 - .213 A date by which the custodial party shall receive a written response.
 - .214 Instructions to the custodial party that if he or she wants to submit additional documents or information pertinent to the formal complaint, the information must be submitted within 10 days of the date of the notice for a timely resolution.
 - (a) The instructions shall advise the custodial party that information received after that time may delay the resolution of the formal complaint.
- .22 A custodial party shall be provided with an Informing Notice (CS 904) if it is discovered during the review or screening of a formal complaint that it is subject to one of the following circumstances:
 - .221 The complaint is not about the receipt or distribution of a support payment(s).
 - (a) Information shall be included on the notice explaining how the complaint can be resolved.

12-1020 FORMAL COMPLAINTS**12-1020**

(Continued)

- .222 The complaint is not about a child support issue.
- (a) If known, the custodial party shall be provided the name and address of the appropriate agency to contact for resolution of his or her concerns.
- .223 The complaint is about the amount of or eligibility for a disregard, excess, or pass-on payment, or the retention of support for the repayment of welfare.
- (a) The custodial party shall be informed that the formal complaint is one that may be under the jurisdiction of the state administrative hearing process, and information shall be provided about how to file for a state hearing.
- (b) The custodial party shall be informed that the district attorney will continue to review the formal complaint unless the custodial party submits a written request to withdraw it, or the district attorney becomes aware that a request for a state hearing has been filed about the same issue.
- .224 The complaint is the same complaint previously filed and that complaint is still being reviewed.
- (a) The custodial party shall be provided a date by which a response shall be issued pertaining to the original complaint.
- .225 The complaint is the same complaint submitted previously and a written decision was issued to the custodial party.
- (a) The date of the decision shall be included on the notice.
- .23 Within 30 days of the custodial party's receipt of a notice (CS 904) advising him or her that one of the circumstances identified on the notice is applicable to the formal complaint, and the custodial party disagrees, he or she may appeal that determination to the Department.
- .231 The custodial party must submit the appeal on a County FSD Back (reverse side of the CS 904) or on a State Level Appeal Form (CS 896). (See Section 12-1025.14 regarding distribution of a CS 896.)
- .24 If it is determined during the review that additional documentation or information, that can reasonably be expected to be in the possession of the custodial party, is needed to resolve the complaint, an Informing Notice (CS 905) shall be issued requesting the additional documentation or information.

12-1020 FORMAL COMPLAINTS
(Continued)

12-1020

- .241 The notice shall inform the custodial party that the additional documentation or information should be submitted within 10 days of receipt of the request, and that information submitted after 10 days may extend the time in which the district attorney can resolve the complaint.
- .25 Whenever information or records from another agency or entity are needed to make an accurate decision, the complaint coordinator shall request the records or information and subpoena them if necessary and possible.
- .26 If it is determined during the review that the payment(s) in question was received, retained, or distributed by a Title IV-D office in another California county, and the complaint cannot be resolved in the county wherein the formal complaint was filed, the following actions shall be taken:

 - .261 The formal complaint shall be immediately transferred to the other county.
 - .262 The custodial party shall be provided with an Informing Notice (CS 903) advising him or her that the complaint was forwarded to another county.

 - (a) Included on the notice shall be the name, address, and telephone number of the office where the formal complaint was transferred, and the name of the complaint coordinator at that office.
 - .263 A determination of timely filing of a transferred formal complaint shall be based on the date of filing in the original county.
 - .264 The resolution time frame for a transferred formal complaint shall commence from the date the receiving county receives the formal complaint.
- .3 A district attorney shall respond in writing to all formal complaints.
- .4 Within 60 days of receipt of a timely filed formal complaint, the district attorney shall issue a Response to Complaint (CS 900).
- .41 If a Response to Complaint (CS 900) is not provided to a custodial party within 30 days of receipt of a formal complaint, an Informing Notice (CS 899) shall be issued notifying the custodial party of receipt of the complaint and the date by which the custodial party can expect to receive a written determination.

12-1020	FORMAL COMPLAINTS	12-1020
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(Continued)

- .42 The 60-day response time frame may be extended for an additional 60 days for good cause due to any of the following:
- .421 The formal complaint is not filed within 60 days from the date the custodial party first learned of the problem, or within 60 days from the issuance date of the Statement of Collections and Distribution that contains the information with which the custodial party disagrees.
 - .422 A district attorney receives incorrect notification that a state administrative hearing was requested pertaining to the same issue contained in the formal complaint.
 - .423 An agency or entity beyond the control of the district attorney does not respond timely to requests for information.
 - .424 Applicable records are not readily available because the receipts or distributions at issue occurred beyond record retention time frames.
 - .425 The custodial party is not cooperative with respect to matters within his or her control.
 - .426 Other circumstances beyond the control of the district attorney that impede a timely determination of the formal complaint.
- .43 If the formal complaint cannot be resolved within prescribed time frames due to circumstances specified at Section 12-1025.41 et seq., an Informing Notice (CS 903) shall be issued to the custodial party that provides the reason for the delay and a date by which the custodial party can expect to receive a written response.
- .44 The Response to Complaint (CS 900) shall include the basis for the determination, including a reference to the appropriate authority and a list of pertinent documents reviewed.
- .441 A copy of the custodial party's formal complaint shall be provided to him or her along with the Response to Complaint (CS 900).
 - .442 A copy of the Response to Complaint (CS 900) shall be mailed to a designated representative.
 - .443 A copy of the Response to Complaint (CS 900) shall be retained in the custodial party's case file.

12-1020 FORMAL COMPLAINTS**12-1020**

(Continued)

- .45 If the Response to Complaint (CS 900) indicates that the custodial party is due a corrective payment(s), the district attorney shall issue the payment(s) no later than 15 days after issuing the determination.
- .46 The Response to Complaint (CS 900) shall advise the custodial party that he or she has 20 days from the date of receipt of the written response to request the district attorney to reconsider the determination.
- .461 The request may be made in person, by telephone, or in writing.
- .462 The custodial party shall be afforded an opportunity to discuss the Response to Complaint by telephone, in writing, or at the district attorney's option, in person.
- .47 With the exception of the requirement at Section 12-1025.71, if the custodial party does not request a redetermination within 20 days after receipt of the Response to Complaint (CS 900), that determination becomes the final decision and the district attorney is not required to issue an additional written decision.
- .48 If the custodial party disagrees with the Response to Complaint (CS 900), but chooses not to request a redetermination, the custodial party may appeal to the Department for a state level review (see Section 12-1025.1 et seq.).
- .5 Following a request for a reconsideration of the Response to Complaint (CS 900), the district attorney shall review any additional information provided by the custodial party, and issue a Final Decision (CS 902).
- .51 The Final Decision (CS 902) shall include the basis for the redetermination, including a reference to the appropriate authority and a list of pertinent documents reviewed.
- .52 The Final Decision (CS 902) shall be issued within 20 days of either the request for a reconsideration or the last communication between the district attorney and the custodial party, whichever is later.
- .53 If the district attorney's redetermination is that the custodial party is due a corrective payment(s), the district attorney shall issue the payment(s) no later than 15 days after issuing the Final Decision (CS 902).

12-1020 FORMAL COMPLAINTS
(Continued)

12-1020

- .54 A copy of the custodial party's formal complaint shall be provided to him or her along with the Final Decision.
- .55 A copy of the Final Decision shall be mailed to a designated representative.
- .56 A custodial party may appeal a district attorney's Final Decision to the Department (see Section 12-1025.1 et seq.).

HANDBOOK BEGINS HERE

- .6 Consistent with 45 Code of Federal Regulations Section 74.53(b) and Manual of Policies and Procedures Section 25-900(c), a district attorney should retain copies of formal complaints (CS 901) and the written responses to those complaints (CS 900/CS 902) for three years from the date of issuance of those decisions.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11475 and 11479.5, Welfare and Institutions Code; Barnes v. Anderson et al., Permanent Injunction and Judgment, NO. CIV S-90-0579, filed April 14, 1995 (United States District Court for the Eastern District of California); Barnes v. Anderson et al., Memorandum and Order, NO. CIV S-90-0579, filed October 27, 1994 (United States District Court for the Eastern District of California); and 45 Code of Federal Regulations Section 74.53(b).

12-1025 STATE LEVEL APPEALS

12-1025

- .1 An appeal for a state level review of a district attorney's determination pertaining to a Response to Complaint (CS 900), Final Decision (CS 902), or Informing Notice (CS 904) shall be filed in accordance with the following:
 - .12 A custodial party may request a state level review of a Response to Complaint (CS 900) if he or she does not choose to request that a district attorney reconsider the determination; and the appeal is filed with the Department within 30 days of the custodial party's receipt of the Response to Complaint (CS 900).

12-1025 STATE LEVEL APPEALS
(Continued)

12-1025

- .13 A custodial party may request a state level review of a district attorney's Final Decision (CS 902) if the appeal is filed within 30 days of his or her receipt of that decision.
- .14 A custodial party may request a state level review of a district attorney's determination that one of the circumstances identified on the Informing Notice (CS 904) applies to a formal complaint, if the appeal is filed within 30 days of his or her receipt of that determination.
- .15 A custodial party must submit a request for a state level review of a district attorney's determination regarding a Response to Complaint (CS 900), Final Decision (CS 902), or Informing Notice (CS 904) on a State Level Appeal Form (CS 896) or a County FSD Back.

HANDBOOK BEGINS HERE

- .151 The County FSD Back is the reverse side of a CS 900, CS 902, and CS 904, and is identical to the State Level Appeal Form (CS 896).

HANDBOOK ENDS HERE

- .152 A State Level Appeal Form (CS 896) shall be provided to a custodial party upon request.
- .2 Designated departmental staff shall screen requests for a state level review to confirm that the issue(s) concerns the receipt or distribution of a support payment(s).
- .21 An appeal request that does not involve the receipt or distribution of a support payment(s), but was reviewed by a district attorney prior to submittal to the Department, shall be reviewed by the Department according to standard procedures for responding to complaints about child support issues.
- .22 If a request for a state level review of a district attorney's decision includes the receipt or distribution of a support payment(s) and other child support program issues, the Department shall respond to the receipt or distribution issue(s) in accordance with these regulations. The remaining issues shall be reviewed in accordance with the Department's standard procedure for responding to complaints about child support issues.

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- .3 The Department will issue an Informing Notice (CS 897) to the custodial party within 10 working days of receipt of the appeal request.
- .31 The notice shall contain an address and phone number by which the custodial party may communicate with the Department.
- .32 The notice shall advise the custodial party that the Department shall attempt to issue a Final Decision (CS 898) on the appeal within 60 days of receipt of the request for a state level review.
- .321 The 60-day-response time frame may be extended for an additional 60 days for good cause due to any of the following:
- (a) An agency or entity beyond the control of the Department does not respond timely to requests for information.
 - (b) Applicable records are not readily available because the receipts or distributions at issue occurred beyond record retention time frames.
 - (c) The custodial party is not cooperative with respect to matters within his or her control.
 - (d) Other circumstances beyond the control of the Department that impede a timely determination of the request for a state level review.
- .322 The custodial party shall be provided with an Informing Notice (CS 897) advising him or her of an extension of the response time frame and the reason for the extension.
- .4 The Department shall contact the complaint coordinator at the Title IV-D office where the district attorney's written determination was rendered, and request that the following information be transmitted to the Department within 10 days:
- .41 Copies of relevant Statements of Collections and Distribution that were not provided to the Department by the custodial party, or a summary of the receipt or distribution information relevant to the appeal.
- .42 Copies of all other documents and records reviewed by the district attorney in reaching the determination.

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- .5 If the Department requests additional information from a custodial party, he or she shall be given 10 days to provide that information.
- .6 The Department shall review the district attorney's Response to Complaint (CS 900), Final Decision (CS 902), or Informing Notice (CS 904), and all supporting documents or information provided by the custodial party and the Title IV-D office.
- .61 The state level appeal shall not be limited to the custodial party's stated reasons for disagreeing with the district attorney's written determination.
- .611 During the state level review, if receipt or distribution errors are discovered other than those upon which the appeal is based, the Department shall acknowledge those errors and advise the district attorney that rendered the written determination to take appropriate corrective action.
- .62 If the Department is unable to reach a determination because the information provided by the Title IV-D office is incomplete or insufficient, the Department shall request that the agency provide additional documents or specified information.
- .621 The additional documents or specified information shall be provided to the Department within five working days of the request.
- .7 If the state level appeal cannot be determined on the record from the district attorney, because of new evidence or issues, the complaint may be returned to the district attorney for reconsideration.
- .71 Following a review of the new evidence or issues, the district attorney shall issue another written determination within 30 days of receipt of the formal complaint from the Department.
- .8 The Department shall render a Final Decision (CS 898) on the appeal request adopting or rejecting a district attorney's determination pertaining to a Response to Complaint (CS 900), Final Decision (CS 902), or Informing Notice (CS 904); and the Department shall transmit the decision to the appropriate district attorney, the custodial party, and if applicable, to a designated representative.
- .81 The Department's Final Decision (CS 898) on the appeal shall contain the reasons and authority for its conclusion.

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- .82 If the state level review indicates the custodial party is due a corrective payment(s), the district attorney shall issue the payment(s) within 15 days of receipt of the Department's Final Decision (CS 898).
- .9 The Department's Final Decision (CS 898) shall be the final resolution of issues subject to review under the provisions of the Title IV-D Complaint Resolution Procedures.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11475 and 11479.5, Welfare and Institutions Code; Barnes v. Anderson et al., Permanent Injunction and Judgment, NO. CIV S-90-0579, filed April 14, 1995 (United States District Court for the Eastern District of California) and Barnes v. Anderson et al., Memorandum and Order, NO. CIV S-90-0579, filed October 27, 1994 (United States District Court for the Eastern District of California).

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